

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 1:18-cv-24227-CMA

JASON MILLER,

Plaintiff,

v.

GIZMODO MEDIA GROUP, LLC,
a Delaware Corporation, KATHERINE
KRUEGER, individually, and
WILL MENAKER, individually,

Defendants.

**RENEWED MOTION TO EXTEND DEADLINE IN
WHICH TO AMEND PLEADINGS AND ADD PARTIES**

Plaintiff, Jason Miller (“Miller” or “Plaintiff”), by counsel, moves to extend the deadline in which to amend pleadings and to add parties set forth in the Order Setting Trial and Pre-Trial Schedule, Requiring Mediation, and Referring Certain Matters to Magistrate Judge [Doc. 19] (the “Order”), and states as follows:

1. On November 7, 2018, the Court entered the Order, which set December 19, 2018, as the deadline to file motions to amend pleadings or join parties.

2. On November 30, 2018, Plaintiff served interrogatories, requests for production and requests for admissions on Gizmodo Media Group, LLC (“Gizmodo”) and Katherine Krueger (“Krueger”); and personal jurisdiction interrogatories and requests for production on Will Menaker (“Menaker”). Responses to said discovery are due on or about December 31, 2018.

3. Around that same time, Plaintiff issued subpoenas for documents to a central non-party, Arlene Delgado (“Delgado”), and her former counsel. Among other things, those subpoenas seek documents relevant to identifying the source of the Miami-Dade Circuit Court filing Defendants published giving rise to this action. On December 17, 2018, Delgado served her Objection to “Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action” [Doc. 47] (the “Objection”). Plaintiff is in the process of moving to compel Delgado’s production of the documents sought in the subpoena.

4. Plaintiff will need responses to the discovery served on Defendants and the resolution of the Objection in order to make a determination regarding amending his pleadings or adding parties, and respectfully requests that the Court extend the amendment/joiner deadline to and including February 19, 2019.

5. This amount of time is necessary because Delgado’s Objection to the subpoena will need to be resolved, the scope of jurisdictional discovery as to Menaker has yet to be fully determined, and Miller anticipates discovery disputes may arise with Gizmodo and Krueger (*i.e.*, assertion of shield laws to protect the identity of their source).

6. Among other things, the information sought through the pending discovery includes the source of the court filing Gizmodo and Krueger published on September 21, 2018, as well as Defendant Menaker’s contacts with Florida. This discovery could impact the factual and legal basis of Miller’s pending claims against Gizmodo and Krueger, which are subject to a pending Motion to Dismiss [Doc. 44]. In response to that motion, Miller may seek leave to amend to allege additional facts or legal theories to support his claims. Miller’s jurisdictional discovery to Menaker may also impact Miller’s personal jurisdictional allegations, for which amendment also may be sought.

7. The requested extension will not impact the trial date which is presently set for the trial term beginning September 3, 2019; the deadline to file pre-trial motions set for May 21, 2019; or the deadline to complete mediation (May 13, 2019).

8. This request for extension of time is made in good faith and is not for the purpose of delay. The requested extension will not prejudice any party or the Court.

WHEREFORE, Plaintiff, Jason Miller, respectfully requests that the Court extend the deadline within which to add parties or amend pleadings to February 19, 2019.

Good Faith Certification Pursuant to Local Rule 7.1(a)(3)

Counsel for Plaintiff attempted to confer with counsel for Defendants in good faith. Counsel for Gizmodo and Krueger have since agreed to an extension until January 19, 2019. For the reasons set forth above, counsel for Plaintiff believes more time is needed. Plaintiff's counsel has not heard back from Menaker's counsel regarding the extension.

Dated: December 20, 2018.

Respectfully submitted,

/s/ Shane B. Vogt

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 20, 2018, the foregoing document was filed with the Court's CM/ECF system, which will send electronic notice to all counsel of record.

/s/ Shane B. Vogt

Attorney

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**[PROPOSED] ORDER GRANTING RENEWED MOTION TO EXTEND
DEADLINE IN WHICH TO AMEND PLEADINGS OR ADD PARTIES**

THIS CAUSE having come before the Court upon Plaintiff's Renewed Motion to Extend Deadline in Which to Amend Pleadings and Add Parties [Doc. 50]. The Court, being fully advised in the premises, hereby ORDERS and ADJUDGES that:

Plaintiff's Renewed Motion to Extend Deadline in Which to Amend Pleadings and Add Parties [Doc. 50] is GRANTED. The deadline within which to add parties or amend pleadings is extended thru February 19, 2019.

DONE AND ORDERED in Miami, Florida, this _____ day of _____,
2018.

CECILIA M. ALTONAGA
U.S. District Court Judge

Copies furnished to:
All counsel of record